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9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION  
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15 KEVIN LANELL WARD, ) CV 03-2076-DSF (JWJ)  
16 )  
17 Petitioner, ) ORDER ADOPTING THE  
18 v. ) REPORT AND RECOMMENDATION  
19 MIKE S. EVANS, WARDEN, ) OF UNITED STATES MAGISTRATE  
20 Respondents. ) JUDGE

21 Pursuant to 28 U.S.C. Section 636(b)(1)(C), the Court has reviewed the  
22 Petition, all of the records and files herein and the attached Report and  
23 Recommendation of the United States Magistrate Judge, and has made a de novo  
24 determination of the Report and Recommendation. The Court concurs with and  
25 adopts the conclusions of the Magistrate Judge.

26 IT IS ORDERED that the First Amended Petition filed herein is dismissed  
27 with prejudice.  
28

1 IT IS FURTHER ORDERED that the Clerk shall serve copies of this Order,  
2 the Magistrate Judge's Report and Recommendation and the Judgment herein by  
3 the United States mail on petitioner and counsel for respondent.

4 LET JUDGMENT BE ENTERED ACCORDINGLY.

5 DATED: 9/21/09

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DALE S. FISCHER  
UNITED STATES DISTRICT JUDGE